

## **MINUTES**

### **City Council**

**Monday, November 3, 2008 – 7:00 p.m.**

**Members Present:** Mayor Andy Quinney presided. **Council Members:** Gwyn Hall, Tennyson Holder, Bowen Jones, Bessie Kicklighter, Durward Motes, Misty Selph and Judy Shuman.

**Staff Present:** Brian Johnson, City Administrator; Rhonda Ferrell-Bowles, Clerk of Council; James P. Gerard, City Attorney; Pam Franklin, HR Director; Clara Rouse, Finance Director; Nathan Mai-Lombardo, Planning Director; David Lyons, Chief of Police; Cliff Ducey, Recreation Director; Randall Griffin, Public Works Director; Charles Draeger, Water/Sewer Director and Jimmy Crosby, Fire Chief.

**Visitors:** See attached sign-in sheet.

**Opening:** Mayor Quinney welcomed everyone to the meeting. Councilmember Shuman offered the opening prayer and Mayor Quinney led City Council in the pledge to the flag.

Mayor Quinney said City Council held a Pre-Agenda Session prior to tonight's meeting. He said no decisions were made during the Pre-Agenda Session.

**Pride Association Presentation:** Members of the Garden City Pride Association presented to Chief David Lyons a donation in the amount of \$300 for this year's Toy Run Fundraiser to be held on November 22<sup>nd</sup>.

Mayor Quinney thanked the Pride Association Members for their work and generosity.

#### **Public Hearings:**

**Brownsfields Grant Application:** Mayor Quinney opened the public hearing to receive public comment on The City of Garden City's application for a US EPA Brownsfields Cleanup Grant to remediate the site of the former Georgia State Patrol at 1400 Dean Forest Road.

City Administrator introduced Ms. Lisa King with Langton & Associates.

Ms. King said Brownsfields Grants are competitive. She said we are required to hold a public hearing to receive public comment and we must provide letters of support from the citizens. She gave a brief overview the grant process.

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City Administrator said in order to qualify for a Brownsfields grant you have to have the contamination removed. He said the State will remove approximately 4000 cubic yards and the City will remove approximately 12,000 cubic yards of the contamination from the property. He said the City has a responsibility to the residents in the area, because their potable water is at risk.

City Administrator said several of the adjacent property owners are here tonight and invited them to speak.

Mr. James Osteen said I have been battling with the State and EPD for years. He said the State Patrol allowed the fuel leakage to occur over 18 years. He said I don't want to see Garden City stuck with the bill for the cleanup, because the State is at fault. He said the State should be held accountable for the cleanup. He said my well is approximately 300 feet from the plume and the State ran monitoring wells along Dean Forest Road. He said I am glad something is finally being done, but I would like to see Garden City not get stuck with the bill.

Mr. Ozzie Rollinger said my well is tested by the State every three months. He said the State should be made to clean up the contamination. He said the State should be required to have a plan. He said so far the State's plan has been to let Mother Nature take care of it. He said the responsibility shouldn't fall on Garden City.

There being no further questions or comments, Mayor Quinney closed the public hearing.

**Occupational Tax Ordinance:** Mayor Quinney opened the public hearing to receive public comment on an ordinance to amend Chapter 22, Article II, of the Code of Ordinances of Garden City, Georgia, as amended, entitled "Occupational Taxes and Regulatory Fees" by defining therein the terms "Broker", "Freight Forwarder," "Leasing Company," "Motor Contract Carrier," and "Motor Common Carrier"; by changing the occupational schedule and tax cap; by clarifying the exempt status of motor common carriers under said article; by providing for interest at the monthly rate of 1.5 percent on delinquent occupational tax accounts.

City Administrator said we performed an assessment on occupational taxes and we are proposing changes to the tax rate on gross receipts. He said the cap changed from \$3,000 to \$20,000.

There being no further questions or comments, Mayor Quinney closed the public hearing.

**City Council Minutes:** Upon motion by Councilmember Holder, seconded by Councilmember Jones, City Council voted unanimously to approve the minutes from the October 20, 2008, City Council Meeting.

**Zoning & Building Committee Report:**

**First Reading, Fence Ordinance:** Councilmember Hall asked the Clerk of Council to read the ordinance by title only for the first reading.

Clerk of Council read for the first reading an ordinance to amend the Code of Ordinances of Garden City, Georgia, as amended, by amending the method for processing permits for the erection of fences and

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walls; to change from eight feet to six feet the maximum height for side back yard walls and fences on residentially zoned properties; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Holder, seconded by Councilmember Jones, City Council voted unanimously to approve the ordinance on the first reading.

**First Reading, Tree Protection & Landscape Ordinance:** Councilmember Hall asked the Clerk of Council to read the ordinance by title only for the first reading.

Clerk of Council read for the first reading an ordinance to amend the Code of Ordinances of Garden City, Georgia, as amended, by amending the tree protection and landscaping ordinance at Article V in Chapter 90 of said code for the purposes of clarifying the requirements for obtaining a tree removal permit and for paying a fee therefor; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Hall, seconded by Councilmember Kicklighter, City Council voted unanimously to approve the ordinance on the first reading.

**PC0855, Zoning Map Amendment:** Clerk of Council read an ordinance to rezone the following parcels from its existing land use zoning district of commercial, residential, and undeveloped to a desired land use zoning classification of an "M" or Mixed-Use zoning classification in order to facilitate the development and growth of the area. The parcels are as follows: 0 Dean Forest Road, 1486 Dean Forest Road, 0 Dean Forest Road, 1470 Dean Forest Road, 0 Dean Forest Road, 1448 Dean Forest Road, 1436 Dean Forest Road, 1400 Dean Forest Road, 1404 Dean Forest Road, 1436 Massey Road, 41 Constantine Road, 1410 Dean Forest Road, 1416 Dean Forest Road, 1422 Dean Forest Road, 1424 Dean Forest Road, 1430 Dean Forest Road, and 1462 Dean Forest Road.

Councilmember Hall made a motion, seconded by Councilmember Kicklighter to approve the zoning map amendment on the first reading. Councilmember Hall, Councilmember Holder, Councilmember Jones, Councilmember Kicklighter, Councilmember Motes and Councilmember Selph voted in favor with Councilmember Shuman abstaining from the vote.

**Personnel, Finance & Administration Committee Report:** Councilmember Shuman said we are recruiting for a Youth Program Assistant to work nights and weekends. She said City employees donated/pledged a total of \$3,572.60 to the United Way Campaign. She said last Saturday's Employee Picnic was a great success.

**Parks & Recreation Committee Report:** Councilmember Selph said the Fall Festival was a big success. She thanked the Recreation Department staff and Police Department staff for their work. She said the City's Annual Tree Lighting Ceremony will be held on Saturday, December 6<sup>th</sup> beginning at 6:00 p.m. in Volunteer Park for the official lighting of the City's Christmas Tree and then on to Sharon Park for caroling, Santa, and the Mayor reading the Christmas Story. She said this year's Rebel Bowl is the biggest we have had. She said 36 teams are participating in the Rebel Bowl.

**Fire Committee Report:** Councilmember Motes said everything is fine in the Fire Department. He said the fire department responded to 19 calls with an average response time of 6.93 minutes.

**Police Committee Report:** Councilmember Kicklighter gave a routine report. She thanked the Human Resources Director for her work on the Employee's Picnic on Saturday. She said the picnic was really nice. She thanked the Police and Recreation for their work on the Fall Festival. She said everyone had a good time. She said the Chief will be giving a presentation on Israel at the next Senior Citizens Dinner. She said the Police Department will hold a Toy Run on Saturday, November 22<sup>nd</sup>. She said it will start on Highway 80 and end at the Island Grill in Port Wentworth.

**Public Works Committee Report:** Councilmember Holder said the crews collected 22 tons of dry trash and 25 tons of trash was collected by the street sweeper. He said dry trash collection is getting very expensive for the City. He said the new public works facility is on schedule and should be completed on time. He said the Colonial Trail Project is about 60% complete.

**Water/Sewer Committee Report:** Councilmember Jones said the average water usage is .97 million gallons per day for the month of October. He thanked the citizens for their efforts in conserving water.

Councilmember Jones gave a Beautification Committee Report. He said the Annual Holiday Tour of Homes and Churches will be held on December 7<sup>th</sup> beginning at 2:00 p.m. at the Senior Center. He said there will be door prizes and the tour will end back at the Senior Center for refreshments.

**City Administrator Report:**

**Enterprise Fund:** City Administrator asked the Clerk of Council to read the ordinance by title only for the first reading. He said this ordinance is to establish the fund that the stormwater utilities fees will go into. He said the revenue cannot go into any other fund.

Clerk of Council read for the first reading an ordinance to amend Chapter 30, Article V, pertaining to stormwater management, as amended so as to establish a stormwater utility; to provide for definitions; to provide for an enterprise fund; to provide for scope of responsibility; to establish user fees; to provide for enforcement and inspections; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Upon motion by Councilmember Holder, seconded by Councilmember Selph, City Council voted unanimously to approve the ordinance on the first reading.

**Resolution, Demolition of Structures on Dean Forest Road:** City Administrator asked the Clerk of Council read the resolution by title only. He said the City has 20 acres under contract with the State. He said there are a number of things we will have to do on the property such as the demolition of several structures which this resolution addresses.

Clerk of Council read a resolution by title only requesting authorization from the State of Georgia, to raze, demolish and dispose of structures constituting public nuisance located on property owned by the State of Georgia on Dean Forest Road in Garden City, Georgia.

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Upon motion by Councilmember Jones, seconded by Councilmember Kicklighter, City Council voted unanimously to adopt the resolution.

City Administrator thanked the Human Resources Director for her efforts on the Employee Picnic. He said this was the first time the City held an Employee Picnic. He said Ms. Franklin handled all the arrangements for the picnic from start to finish.

City Administrator thanked the Police Department Staff and Recreation Department Staff for their efforts on the Fall Festival.

**City Attorney Report:** City Administrator said I have nothing to report tonight.

**Mayor Report:** Mayor Quinney gave an overview of the Fall Festival and the history of the Tree Lighting Ceremony.

Mayor Quinney offered the closing prayer.

**Adjournment:** Upon motion by Councilmember Hall, seconded by Councilmember Holder, City Council voted unanimously to adjourn at 7:50 p.m.

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Andy Quinney, Mayor

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Tennyson Holder, Mayor Pro-tem

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Gwyn Hall, Councilmember

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Bowen Jones, Councilmember

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Bessie Kicklighter, Councilmember

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Durward Motes, Councilmember

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Misty Selph, Councilmember

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Judy Shuman, Councilmember

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Rhonda Ferrell, Clerk of Council

